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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,024	07/17/2003	Andreas Schroter	56/408	1679

757 7590 11/02/2006
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EXAMINER

SCHINDLER, DAVID M

ART UNIT PAPER NUMBER

2862

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,024

Applicant(s)

SCHROTER ET AL.

Examiner

David Schindler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-24,26-31 and 33-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,5-24,26-31 and 33-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed 8/1/2006.

Response to Arguments

2. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 2, 3, 5-24, 26-31, and 33-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to Claim 5,

The phrase "wherein each of said first set of tracks are bounded only by two parallel walls adjacent ones of said first non-magnetizable supports" on lines 17-18 does not appear to be supported by the original disclosure. Specifically, it appears that when the two bodies (10) and (20) are brought together (see applicant's Figure 2), then the first set of tracks are also bound by walls of the second non-magnetizable support.

As to Claims 2, 3, 6-10, and 16-20,

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These claims stand rejected for incorporating the features of the above rejected claim 5.

As to Claim 11,

The phrase "wherein each of said first set of tracks are bounded only by two parallel walls of adjacent ones of said first non-magnetizable supports " on lines 16-17 does not appear to be supported by the original disclosure. See the above rejection of claim 5.

As to Claims 12, 13, and 21-24,

These claims stand rejected for incorporating the features of the above rejected claim 11.

As to Claim 14,

The phrase "wherein each of said first set of tracks are bounded only by two parallel walls of adjacent ones of said first non-magnetizable supports" on lines 19-20 does not appear to be supported by the original disclosure. See the above rejection of claim 5.

As to Claims 15 and 26-30,

These claims stand rejected for incorporating the features of the above rejected claim 14.

As to Claim 31,

The phrase "a first set of magnetic elements that are arranged only laterally next to said first non-magnetizable support" on lines 4-5 and the phrase "a second set of

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magnetic elements that are arranged only laterally next to said second non-magnetizable support” on lines 9-10 do not appear to be supported by the original disclosure. Specifically, it appears that when the two bodies (10) and (20) are brought together (see applicant’s Figure 2), then the first set of magnetic elements appears to also be arranged laterally next to the second non-magnetizable support. A similar situation appears to exist with regard to the second set of magnetic elements.

As to Claims 33 and 34,

These claims stand rejected for incorporating the features of the above rejected claim 31.

As to Claim 34,

The phrase “wherein each of said first set of tracks are bounded only by two parallel walls of adjacent ones of said first non-magnetizable supports” on lines 3-4 does not appear to be supported by the original disclosure. See the above rejection of claim 5.

As to Claim 35,

The phrase “a first set of magnetic elements that are arranged only laterally next to said first non-magnetizable support” on lines 4-5 and the phrase “a second set of magnetic elements that are arranged only laterally next to said second non-magnetizable support” on lines 9-10 do not appear to be supported by the original disclosure. See the above rejection of claim 31.

As to Claim 36,

The phrase "a first set of magnetic elements that are arranged only laterally next to said first non-magnetizable support" on lines 5-6 and the phrase "a second set of magnetic elements that are arranged only laterally next to said second non-magnetizable support" on lines 11-12 do not appear to be supported by the original disclosure. See the above rejection of claim 31.

As to Claims 37-42,

These claims stand rejected for incorporating the features of the above rejected claim 36.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2, 3, 5-24, and 26-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to Claim 5,

The phrase "wherein each of said first set of tracks are bounded only by two parallel walls of adjacent ones of said first non-magnetizable supports" on lines 17-18 is unclear. Specifically, the phrase "adjacent ones of the first non-magnetizable supports" is not clear as only "a first non-magnetizable support" was previously claimed (see line 3).

As to Claims 2, 3, 6-10, and 16-20,

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These claims stand rejected for incorporating the features of the above rejected claim 5.

As to Claim 11,

The phrase "wherein each of said first set of tracks are bounded only by two parallel walls of adjacent ones of said first non-magnetizable supports " on lines 16-17 is unclear. See the above rejection of Claim 5.

As to Claims 12, 13, and 21-24,

These claims stand rejected for incorporating the features of the above rejected claim 11.

As to Claim 14,

The phrase "wherein each of said first set of tracks are bounded only by two parallel walls of adjacent ones of said first non-magnetizable supports" on lines 19-20 is unclear. See the above rejection of Claim 5.

As to Claims 15 and 26-30,

These claims stand rejected for incorporating the features of the above rejected claim 14.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Schindler whose telephone number is (571) 272-2112. The examiner can normally be reached on M-F (8:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Schindler
Examiner
Art Unit 2862

DS



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